

BILLS NOT PASSED

RELATED TO CHILD WELFARE 2007 ANNUAL GENERAL SESSION

Office of Legislative Research and General Counsel 6/11/07

CHILD WELFARE

H.B. 208 Child Protection - Gang Association (*Rep. E. Hutchings*)

This bill amends the Juvenile Court Act of 1996 to provide for the protection of children whose parents permit them to be exposed to illegal gang activity.

This bill:

- ▶ defines terms;
- ▶ provides that there is a presumption that reunification services should not be provided to a parent if the court finds, by clear and convincing evidence, that the parent:
 - permits the parent's child to associate with a gang, or any member of a gang, while the gang, or member of the gang, is engaged in criminal conduct in the presence of the child, or associates with a gang, or member of a gang, in the presence of the parent's child while the gang, or member of the gang, is engaged in criminal conduct in the presence of the child; and
 - knew or should have known that the conduct described in the preceding paragraph was occurring; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 213 Driver License - Application of Minor (*Rep. D. Litvack*)

This bill modifies the Utah Human Services Code and the Driver Licensing Act by amending provisions relating to driver license applications by certain minors.

This bill:

- ▶ provides that if a minor applicant for a temporary learner permit, practice permit, or provisional driver license is in the legal custody of the Division of Child and Family Services, a parent or responsible adult who is willing to assume certain obligations and liability requirements may sign the application;
- ▶ provides that the Office of Licensing within the Department of Human Services shall require a child placing agency that provides foster home services to notify a foster parent of the liability requirements when signing as a responsible adult for a foster child to receive a driver license;
- ▶ grants the Office of Licensing rulemaking authority to establish procedures for a child placing agency to provide the notifications; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 272 Prohibition Relating to Fees on Foster Homes for the Use of Emergency Services (*Rep. W. Harper*)

This bill amends Title 11, Cities, Counties, and Local Taxing Units, to prohibit a local entity from imposing a fee on foster homes for the use of emergency services that is not commensurate with the fees imposed on others.

This bill:

- ▶ defines terms; and
- ▶ prohibits a local entity from imposing a fee on foster homes for emergency services, unless the fee is imposed, at the same rate, on homes that are not foster homes.

No monies are appropriated in this bill.

H.B. 283 Protective Order Amendments (*Rep. L. Fowlke*)

This bill allows for the appointment of a Guardian Ad Litem when a protective order is issued and there are minor children in the home, and prohibits extension of the 20-day period for an ex parte protective order without the respondent's consent.

This bill:

- ▶ gives the court authority to appoint a Guardian Ad Litem when an ex parte protective order is issued and there are

minor children between the parties; and

- ▶ prohibits extension of the 20-day hearing period without the respondent's consent if no hearing was held.

No monies are appropriated in this bill.

H.B. 460 (1st Sub.) Child and Family Protection (*Rep. L. Fowlke*)

This bill amends portions of the Utah Criminal Code relating to child abuse and the Pattern of Unlawful Activity Act.

This bill:

- ▶ defines terms;
- ▶ includes child abandonment as a type of child abuse;
- ▶ provides that a person who commits child abandonment, or encourages or causes another to commit child abandonment, or an enterprise that encourages, commands, or causes another to commit child abandonment is:
 - guilty of a class A misdemeanor;
 - if the child abandonment results in physical injury to the child, guilty of a felony of the third degree; or
 - if the child abandonment results in serious physical injury to the child, or the person or enterprise receives any benefit as a result of the child abandonment, guilty of a felony of the second degree;
- ▶ provides that a court may order a person or enterprise to pay the costs of investigating and prosecuting a child abandonment case and the costs of securing a forfeiture provided for in this bill;
- ▶ provides that tangible or pecuniary benefits received from child abandonment are subject to criminal or civil forfeiture; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 468 Transitional Services to Children (*Rep. D. Clark*)

This bill amends the Child and Family Services chapter of the Utah Human Services Code and makes an appropriation to provide transitional services to abused, neglected, or dependant children of bigamist families.

This bill:

- ▶ requires the Division of Child and Family Services, within the Department of Human Services, to provide, or contract to provide, transitional services to abused, neglected, or dependant children of bigamist families; and
- ▶ provides that the provisions of this bill do not prohibit the division from providing child protection or reunification services to an abused, neglected, or dependent person described in this bill.

This bill appropriates:

- ▶ as an ongoing appropriation, \$250,000 from the General Fund.

S.B. 157 Parental Notification of Child Interview by Law Enforcement (*Sen. D. C. Butters*)

This bill amends the Utah Code of Criminal Procedure by requiring parental notification when a child is interviewed by a peace officer.

This bill:

- ▶ defines terms;
- ▶ requires, subject to certain exceptions, that if a peace officer interviews a child, the peace officer shall:
 - provide the child with the officer's name and telephone number; and
 - notify a parent or guardian of the child, within 24 hours after the interview, that the interview took place;
- ▶ provides that failure by a peace officer to comply with the requirements of this bill will be documented in the peace officer's permanent personnel file; and
- ▶ provides that failure to comply with the requirements of this bill is not grounds for suppression of any evidence or statement, or for dismissing a criminal charge or juvenile

petition.

No monies are appropriated in this bill.

S.B. 248 (1st Sub.) Parent and Child Amendments (*Sen. C. Bramble*)

This bill establishes public policy regarding in loco parentis.

This bill:

- defines in loco parentis as a legally recognized, voluntary and temporary delegation of parental power and preserves common law meaning of "in loco parentis";
- provides that in loco parentis, unless authorized by statute, may not be used to grant parent-time, visitation, custody, legal guardianship, child support, or adoption of a minor child or in a manner that violates public policy;
- allows a court of competent jurisdiction, under limited circumstances and through clear and convincing evidence, to prevent the termination of an in loco parentis relationship by a parent; and
- provides that this bill does not affect any established rights of a step parent or grandparent.

No monies are appropriated in this bill.